

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CLIFFORD L. MCWHORTER, JR.,	)	
	)	
Plaintiff,	)	
v.	)	CIVIL ACTION NO. 2:05cv430-F
	)	WO
DONAL CAMPBELL, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On May 16, 2005, the Magistrate Judge filed a Recommendation (Doc. #4) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge which is hereby ADOPTED, it is

ORDERED as follows:

1. That the Recommendation is adopted.
2. That the claims presented against the Bullock County Sheriff's Department are dismissed with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i).
3. That the plaintiff's challenges to the criminal charges pending against him before the Circuit Court of Bullock County, Alabama and his confinement pursuant to these charges are dismissed without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii).
4. That this case is dismissed prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

DONE this the 27<sup>th</sup> day of June, 2005.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE